

James A. Bruen (State Bar No. 43880)  
Charles M. Sink (State Bar No. 078168)  
Carl E. Switzer (State Bar No. 211858)  
Arjun Agarwal (State Bar No. 233576)  
Farella Braun + Martel LLP  
235 Montgomery Street, 17th Floor  
San Francisco, CA 94104  
Telephone: (415) 954-4400  
Facsimile: (415) 954-4480

Attorneys for Defendant and Counterclaimant  
GE TRANSPORTATION SYSTEMS GLOBAL  
SIGNALING, LLC

John W. Crowley (State Bar No. 039041)  
Robert B. Stringer (State Bar No. 056148)  
Crowley, Stringer & Fenske LLP  
456 Montgomery Street, 17th Floor  
San Francisco, CA 94104-1250  
Telephone: (415) 989-1100  
Facsimile: (415) 421-6651  
E-mail: jcrowley@crowleysf.com

Attorneys for Plaintiff and Counterdefendant  
SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT,

Plaintiff,

vs.

GE TRANSPORTATION SYSTEMS  
GLOBAL SIGNALING, LLC,

Defendant.

AND RELATED COUNTERCLAIM

Case No. C 06 3749 JSW

**STIPULATION AND ORDER  
REGARDING INADVERTENT  
PRODUCTION OF DOCUMENTS AND  
ELECTRONIC STORED INFORMATION**

1 The parties acknowledge that during the course of discovery in this action certain  
2 documents and electronically stored information may be disclosed inadvertently that are subject  
3 to the attorney-client privilege, the work-product doctrine, other statutory immunities and  
4 privileges, or that are otherwise protected from disclosure. This Order will govern the inadvertent  
5 disclosure of such information.

6 The Parties hereby stipulate and agree that this Court should issue an Order as follows:

7 1.1 "Protected Information" shall include information or tangible things protected  
8 from disclosure either under applicable legal privileges, doctrines or immunities, including, but  
9 not limited to, the attorney-client privilege (Cal. Evid. Code §§950-962), the attorney work  
10 product doctrine (F.R.Civ.P. 26 (b) (3)), the trade secret privilege (Cal. Evid. Code sections 1060-  
11 61), agreement of the parties (including contractual agreements of confidentiality, or stipulations  
12 that materials prepared for or in the course of settlement discussions would not be discoverable)  
13 or other statutory immunities and privileges, together with any information copied or extracted  
14 therefrom, copies, excerpts, summaries, or compilations thereof, plus testimony, conversations, or  
15 presentations by parties or counsel to or in court or in other settings that might reveal Protected  
16 Information.

17 1.2 The inadvertent production of Protected Information or the production of Protected  
18 Information without designating its confidentiality shall not effect a waiver of the statutory or  
19 other protected status of such material. Such production of Protected Information shall be  
20 presumed to be the result of inadvertence, and no party producing Protected Information shall be  
21 obligated to prove that its inadvertent production of Protected Information was excusable to  
22 invoke the protections of this Stipulated Order.

23 1.3 If a party becomes aware that it received Protected Information, or information  
24 that may be Protected Information, in the course of discovery, whether through its own discovery  
25 of such Protected Information, notice from another Party, or otherwise, it shall immediately:

26 (a) Cease further review, dissemination, copying or other use or disclosure of  
27 the Protected Information;  
28

(b) Advise the party that produced the Protected Information of the extent of its review of the contents of the Protected Information; and


(c) Return, or at the option of the producing party, destroy the Privileged Information.

1.4 If the party receiving Protected Information disputes the privileged status of the Privileged Information, it may, after its prompt return of such information to the producing party, file a motion with the discovery special master for the production of such information.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: October 11, 2007

FARELLA BRAUN + MARTEL, LLP

By:   
Charles M. Sink

Attorneys for Defendant and Counterclaimant  
GE TRANSPORTATION SYSTEMS  
GLOBAL SIGNALING, LLC

DATED: October 9, 2007

CROWLEY, STRINGER, FENSKE LLP

By:    
Robert B. Stringer

Attorneys for Plaintiff and Counterdefendant  
SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 16, 2007

  
Hon. Jeffrey S. White  
United States District/Magistrate Judge